

Appl. No. : 10/776,083
Filed : February 11, 2004

REMARKS

Claims 1, 3, 6-12, 15, 107, and 111 remain pending in the present application, Claims 2, 4, 5, 13-14, 16-22, 103-106, 108-110, 112-116, and 124 having been canceled without prejudice or disclaimer.

In response to the Final Office Action mailed March 12, 2009, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Claim 124 Fully Comply With 35 U.S.C. § 112

Claim 124 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant respectfully traverses the present rejection. However, in order to expedite prosecution of the present Application, Applicant has canceled Claim 124 without prejudice or disclaimer. Thus, the present rejection is now moot.

Holloway Does Not Disclose the Medical Kit Recited By Amended Claims 2, 4, 13, 14, 16-22, 103-106, 108-110, and 112-116

Claims 2, 4, 13, 14, 16-22, 103-106, 108-110, and 112-116 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Holloway *et al.* (U.S. Patent No. 5,381,562) ("Holloway"). Applicant respectfully traverses the present rejection. However, to expedite the prosecution of the present Application, Applicant has cancelled all of the rejected claims, without prejudice or disclaimer. Thus, the present rejection is now moot. Applicant expressly reserves the right to further prosecute the original versions through continuation practice.

Holloway in view of Robinson Does Not Render Obvious the Medical Kit Recited By Amended Claims 5 and 124

Claims 5 and 124 stand rejected under 35 U.S.C. § 103 as being unpatentable over Holloway in view of Robinson (U.S. Patent No. 3,407,957) ("Robinson"). Applicant respectfully traverses the present rejection. However Applicant respectfully traverses the present rejection. However, to expedite the prosecution of the present Application, Applicant has cancelled all of the rejected claims, without prejudice or disclaimer. Thus, the present rejection is now moot. Applicant expressly reserves the right to further prosecute the original versions through continuation practice.

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All Amendments Should Be Entered

Applicant notes that although the outstanding Office Action has been made final, the present amendments merely cancel all of the rejected claims, rendering moot all outstanding rejections. No new issues are raised by these amendments. Rather, the present Amendment reduces or eliminates the outstanding issues for Appeal. Thus, Applicant submits that all of the present amendments be entered at this time.

No Disclaimers or Disavowals

Although the present communication may include alterations to the Application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this Application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present Application.

SUMMARY

The undersigned has made a good faith effort to respond to all of the rejections and objections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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